

MAY 26 2011

GENERAL NOTICE LETTER
URGENT LEGAL MATTER
PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Mr. Robert E. Holmberg
Ms. Caroline S. Holmberg
31103 East Blue Mills Road
Buckner, Missouri 64016

Re: General Notice Letter for the Former Lyons Diecasting Site
Buckner, Mo.

Dear Mr. and Ms. Holmberg:

The U.S. Environmental Protection Agency conducted a series of environmental investigations at the former Lyons Diecasting Site (the Site) located at 2300 North Holly Road in Buckner, Mo. The EPA's environmental investigations have documented a release of hazardous substances, including polychlorinated biphenyls (PCBs) at the Site. The EPA is considering spending public funds to cleanup the releases of hazardous substances at the Site. Based on information presently available, the EPA has determined that you may be responsible for cleanup of the Site or costs incurred by the EPA in cleaning up the Site pursuant to the Comprehensive Emergency Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(e), as amended, commonly known as the "Superfund" law.

Explanation of Potential Liability

Under CERCLA, specifically sections 106(a) and 107(a), potentially responsible parties (PRPs) may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by the EPA in cleaning up the Site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current and former owners and operators of a Site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the Site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

SUPR/ERSB/Davis Mike/Fritz/7231/5.24.11

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5/25/11

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Superfund

Based on the information collected, the EPA believes that you may be liable under section 107(a) of CERCLA with respect to the Site as a current property owner. The EPA has determined that releases from the former Lyons Diecasting facility, which operated from 1957 until approximately April 2005, resulted in PCB contamination at the Site. While the EPA does not have reason to believe you contributed to or exacerbated the environmental contamination at the Site, you are considered a PRP due to your ownership of the property.

To date, the EPA and the Missouri Department of Natural Resources (MDNR) have taken several response actions at the Site under CERCLA authority. In October 2009, MDNR conducted a Preliminary Assessment/Removal Site Evaluation (PA/RSE), in order to evaluate the nature and extent of contamination at the Site, and to gain a basic understanding of risks posed to human health and the environment by releases from the Site. In October 2010 and again in April 2011, the EPA conducted sampling for a Site Investigation/Removal Site Investigation (SI/RSE) to expand on the October 2009 sampling conducted by MDNR. The results of this investigation indicated that Site conditions pose a threat to human health and the environment, and warrant a removal action per 40 Code of Federal Regulations (C.F.R.) § 300.415(b)(2) of the National Contingency Plan. Multiple PCB sources of contamination have been identified at the Site, including the waste pit located in the main warehouse and the lagoons directly north of it.

Financial Concerns/Ability to Pay Settlements

The EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a site may be substantially limited. If you believe, and can document, that you fall within that category, you must provide certain information about your finances as itemized in the questions contained in the enclosure, "Individual Ability to Pay Claim."

This form for financial documentation is provided in response to your comments to the EPA at a meeting in February 2011 indicating that you owned the property as individuals, and that you did not have the ability to pay the anticipated costs for the cleanup. If you are no longer asserting an inability to pay, you are not required at this time to complete the form or return it to the EPA.

However, please be aware that pursuant to Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), the EPA has broad information gathering authority, and that providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. section 1001. Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes the EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to requests for submissions of required information.

Some of the information the EPA is requesting may be considered by you to be confidential. The information requested herein must be provided notwithstanding its possible characterization as business confidential information or trade secrets. You may, if desired, assert a business confidentiality claim covering part or all of the information requested pursuant to

sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. § 9604(e)(7)(E) and (F), and 40 C.F.R. 2.203(b), by attaching to such information at the time it is submitted a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary” or “company confidential.” Information covered by such a claim will be disclosed by the EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Your response to this Information Request must be mailed within thirty (30) days of your receipt of this letter to:

Robert Richards, EPA Attorney
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
901 North 5th Street
Kansas City, Kansas 66101
(913) 551-7502

If the EPA concludes that you have a legitimate inability to pay the full amount of the EPA's costs, the EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Also, please note that, because the EPA has a potential claim against you, you must include the EPA as a creditor if you file for bankruptcy.

Information to Assist You

The EPA encourages communication between you and the EPA at the Site. We will provide electronic copies of the PA/RSE, the SI/RSE, and other relevant information for your review upon request. The EPA will establish an Administrative Record that contains documents that serve as the basis for the EPA's selection of a cleanup action for the Site. The Administrative Record will be located at the Mid-Continent Public Library, Buckner Branch, 19 East Jefferson Street, Buckner, Mo., and will be available to you and the public for inspection and comment. The Administrative Record will also be available for inspection and comment at the Superfund Records Center, EPA Region 7, 901 North 5th Street, Kansas City, Kan.

Please give this matter your immediate attention. The description above summarizes the EPA's environmental investigations at the Site. The EPA would like to discuss with you potential cleanup response actions at the Site. Please contact Mike Davis, EPA On-Scene Coordinator, at (913) 551-7328, or email at davis.michaelb@epa.gov within ten (10) business days of the date of this letter if you are interested in discussing the Site response actions. If the EPA does not hear from you within this time frame, we may proceed with a fund lead response action. If you have questions of a legal nature regarding this letter, please contact Robert Richards at (913) 551-7502 or email at Richards.Robert@epa.gov.

Sincerely,

Mary Peterson, Acting Chief
Emergency Response and Removal South Branch
Superfund Division

cc: Dennis Stinson, MDNR